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09/234,048 01/19/99 LOWERY

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EXAMINER

TM21/0223

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ART UNIT

PAPER NUMBER

2182
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7
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/234,048

Applicant(s)
LOWERY et al

Examiner
Rehana Perveen

Group Art Unit
2182



☒ Responsive to communication(s) filed on Jul 12, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 17-45 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 3, & 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

1. Claims 17-45 are presented for examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321[©] may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 17-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 5,894,554. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 17-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Leaf, patent no. 5,754,772.

7. As to claim 17, Leaf teaches routing a request from a Web server to a page server, the page server receiving the request and releasing the Web server to process other requests, intercepting the request at the Web server and routing the request to the page server, processing the request by the page server while the Web server concurrently

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processes the other requests, and dynamically generating a Web page in response to the request, the Web page including data dynamically retrieved from one or more data sources (col. 2 lines 30-60 and col. 4 line 10 - col. 5 line 50).

8. As to claim 18, Leaf teaches routing the request from the Web server to a dispatcher (Transaction Gateway Client), and dispatching the request to the page server (Transaction processing System 26) (col. 4 lines 55-67).
9. As to claims 19 and 20, Leaf teaches identifying said one or more data sources and dynamically retrieving data from the one or more data sources (col. 4 lines 55-67).
10. As to claim 21, Leaf, inherently, teaches maintaining a connection cache to one or more data sources.
11. As to claim 22, Leaf teaches logging into the one or more data sources (inherent, col. 4 lines 10-67).
12. As to claim 23, Leaf, inherently, teaches maintaining a page cache containing the Web page.

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13. As to claims 24-26, Leaf teaches tag-based text templates for configuring the Web page, inserting the dynamically retrieved data from the one or more data sources into the tag-based text templates, at least one of said tag-based text templates drives a format of the data dynamically retrieved from the one or more data sources in response to the request (col. 4 line 10 - col. 5 line 50).
14. As to claim 27, Leaf teaches the tag-based text templates include HTML templates (col. 4 lines 55-67).
15. As to claim 28, Leaf, inherently, teaches dynamically updating data at the one or more data sources.
16. As to claims 29 and 30, Leaf teaches processing an object handling extension, the object handling extension being an OLE extension (col. 4 line 10 - col. 5 line 45).
17. Claims 31-45 are different variations of claims 17-30, and therefore, are rejected under the same rationale.
18. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications
intended for entry)

Or:

(703) 306-5404 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen, whose telephone number is (703) 305-8476. The examiner can normally be reached Monday through Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached at (703) 305-9717. The fax phone number for this Group is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Rehana Perveen
February 18, 2001